

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JESSE LEE STEWART,

Petitioner,

v.

JEFFREY SMITH, et al.,

Respondents.

No. 3:10-CV-799


(JUDGE CAPUTO)

(MAGISTRATE JUDGE CARLSON)

**ORDER**

**NOW** this 3<sup>rd</sup> day of March, 2011, upon review of Magistrate Judge Carlson's Report and Recommendation (Doc. 35) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 35) is **ADOPTED**.
- (2) Petitioner's Petition for Writ of Habeas Corpus is **DISMISSED**.
- (3) A Certificate of Appealability will not be issued.

  
A. Richard Caputo  
United States District Judge